

**CARLOS M. RAMIREZ**  
MAYOR

**MONICA D. CUNNINGHAM**  
CHIEF ADMINISTRATIVE OFFICER

**ESTRELLA ESCOBAR**  
EXECUTIVE ASSISTANT TO THE MAYOR

**MARK THREADGILL**  
EXECUTIVE ASSISTANT TO THE MAYOR



**CITY COUNCIL**

**JAN SUMRALL**  
DISTRICT NO. 1

**ROSE RODRIGUEZ**  
DISTRICT NO. 2

**LARRY M. MEDINA**  
DISTRICT NO. 3

**JOHN COOK**  
DISTRICT NO. 4

**PRESI ORTEGA, JR.**  
DISTRICT NO. 5

**PAUL JOSEPH ESCOBAR**  
DISTRICT NO. 6

**LUIS G. SARIÑANA**  
DISTRICT NO. 7

**ELVIA G. HERNANDEZ**  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
JANUARY 16, 2001  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Pro Tem Presi Ortega, Jr., present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Presi Ortega, Jr., Paul Joseph Escobar, Luis G. Sariñana and Elvia G. Hernandez. Absent: Mayor Carlos M. Ramirez. Meeting was called to order and the invocation was given by Pastor Philip Parker, Northgate Baptist Church, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

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**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor, on behalf of the City, accept a donation from the Camino Real Hotel for the use of their Ballroom for the Police Department's Annual Awards Ceremony to be held on Wednesday, March 7, 2001. The total value of the donation is \$7,500.00.

Captain Mike Gill, El Paso Police Department, thanked the Camino Real Hotel for their donation. The Police Department recommends that Council approve this Resolution.

Motion made by Representative Hernandez, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

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Motion made by Representative Medina, seconded by Representative Cook, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted. (Items approved under Consent Agenda will be shown with an asterisk {\*}).

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\*Motion made, seconded and unanimously carried to approve the Minutes for Regular Council Meetings of December 5, 2000, December 12, 2000 and December 26, 2000.

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\*Motion made, seconded and unanimously carried to excuse Mayor Carlos M. Ramirez from the Regular Council Meeting of January 16, 2001.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign the Landlord's Waiver with respect to Butterfield Trail Industrial Park Lease dated August 1, 2000, as amended, between the City of El Paso, as Lessor, and CLK New-Star, LP, as Lessee, covering a portion of Lot 1, Block 3, Butterfield Trail Industrial Park, Unit One, Replat "C", containing 128,618 square feet or 2.953 acres, City of El Paso, El Paso County, Texas. The Landlord's Waiver recognizes an equipment loan to be made by Captec Financial Group, Inc., to CLK New-Star, LP.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Industrial Site Lease between the City of El Paso, Texas (Lessor) and Ernest Martinez (Lessee), for a portion of Lots 2 and 3, Block 2A, El Paso International Airport Tracts, Replat of Unit Four, City of El Paso, El Paso County, Texas, commonly known as 6455 Hiller Street.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Appraisal Services between the City of El Paso and John Page Kemp, Jr., MAI for the following described parcel of land: Lot 19 and West ½ of Lot 20, Block 4, El Paso International Airport Tracts, Unit 2, known as 7305 Boeing Drive, City of El Paso, El Paso County, Texas, containing approximately 30,000 square feet or 0.689 acres of land, more or less.

\*Motion made, seconded and unanimously carried to postpone one week the Resolution that the Mayor be authorized to sign the following contracts on behalf of the Arts Resources Department for the FY 2001 Discovery Series to be held at the Chamizal National Memorial, as recommended by the Arts Resources Department Advisory Board.

1. Gardner Arts Network for Margie Gillis; one performance on February 17, 2001; cost of \$8,000.
2. IMG Talent Agency, Inc. for Pilobolus Too; one performance on March 17, 2001; cost of \$10,000.00.
3. Gardner Arts Network for Monte Brown Dance Company, one performance on March 24, 2001; \$12,000.00.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

**R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Amendment to the Grant Agreement of December 30, 1996 between the City of El Paso and the Rio Grande Girl Scout Council to increase the funding award from \$101,090.00 to \$114,959.00 for the purpose of administering the City of El Paso's federally designated Enterprise Community Volunteer Youth Mentoring Services initiative. The grant agreement termination date will be extended from June 29, 2001 to June 28, 2002.

Ms. Rosie Maynez, Rio Grande Girl Scout Council, explained this is a collaborative with the School Districts and the Boy and Girl Scouts. The Rio Grande Girl Scout Council has collaborated with the schools to bring scouting to schools where this is not offered. She further stated the Rio Grande Girl Scout Council trains the teachers to be leaders in both the Girls and Boys Scouting programs.

Representative Hernandez stated this had been done before.

Ms. Maynez stated there is 100% participation at Mission Valley Elementary School, which is in the Lower Valley.

Motion made by Representative Hernandez, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor be authorized to sign eight Partial Releases of Lien, in connection with the June 22, 1999 Community Housing Development Organization Agreement by and between the City of El Paso and Santa Lucia Community Development Organization, for the acquisition and construction of eight homes to be sold to First Time Homebuyers.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

**R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to accept a grant award of \$1,500.00 from the Wal-Mart Foundation to assist in the publication of the 2000-2001 "El Paso - The New Old West" Factbook. The grant will offset costs which have previously been budgeted for this project.

Mr. Roberto Franco, Director of Economic Development, stated this Factbook is used to show what El Paso is all about, for example, demographics, population, reasons to bring industry to El Paso, etc.

Ms. Pat Ramirez, Community Involvement Coordinator for the three Sam's Clubs in El Paso, stated the Sam's Club Foundation has an economic development grant which can be awarded to the City, the Chambers, etc. She added the Sam's Club Foundation contacts these entities to request a proposal. The City of El Paso's Economic Development Department, submitted a proposal which was awarded to the Economic Development Department. She explained everything a business needs to know is in this proposal.

Ms. Georgia Walton, Business Manager at the Cielo Vista Sam's Club and Community Involvement Manager with the three Sam's Clubs in El Paso, presented Council Members with a check for \$1,500.00.

Representative Ortega thanked the Sam's Clubs for their donation and stated the publication is professionally done.

Representative Cook asked how many of the Factbooks were published.

Mr. Franco responded there are 1500 books available at this time. More would be published later.

Motion made by Representative Medina, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement granting an Overhead Electrical Easement to the El Paso Electric Company for a portion of Section 45, Block 79, Township 2, Texas and Pacific Railroad Survey, El Paso County, Texas.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City of El Paso, be authorized to sign the attached Release of Lien on the property (Legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this condemnation lien:

	<u>Lien Amount</u>	<u>Amount Paid</u>
1624 Ladrillo	\$2,279.21	\$2,279.21

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2000/2001 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**GALATZAN RECREATION CENTER  
NO. 510131, SUB-OBJECT 202214**

CONTRACTOR:	Autumn Corey, Gymnastics & Tumbling Instructor
DATES:	January 9, 2001 thru June 30, 2001
RATE PER CL:	\$8.80
MAXIMUM AMT:	\$1,584.00
CONTRACT:	2000/2001-122

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign, on behalf of the El Paso City-County Health and Environmental District, a two-year Personal Services Contract in accordance with CSC Charter Article VI, Section 6.6-5, paragraph F, between the City and the following contractor:

Rosa I. Balderrama, at a biweekly salary of \$1,224.00, to perform the duties of PC LAN Specialist I.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Personal Services Contract for an Independent Contractor between the **CITY OF EL PASO** and **CHRISTINE MCNEW** to conduct workshops for the Texas Trans-Pecos Library System on February 1, 2001 and February 2, 2001.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign Volunteer Services Agreements between the City of El Paso and the following listed volunteers for the El Paso Public Library. There is no cost to the City.

1. Veronica Vasquez
2. Kristin Tabor
3. Julie Soto

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Graduate Intern Employment Contract between the **CITY OF EL PASO** and **GUILLERMO MARTINEZ**, as a Graduate Intern for the Economic Development Department at the rate of \$8.25 per hour, up to 40 hours per week. The term of the contract is from January 17, 2001 through January 16, 2002.

**\*RESOLUTION**

You are hereby notified that at 9:00 a.m. on the 13<sup>TH</sup> day of February, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 9217 Leonardo Avenue, in El Paso, Texas, which property is more particularly described as:

Tract 106, North Valumbrosa Subdivision No. 2, a subdivision in the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 14, Page 39, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Luis & Felipa Ortega (Owners) (Deceased), 9217 Leonardo Avenue are listed as the Owners of the real property described herein.

The Owners of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Buildings should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Buildings in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owners' lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

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\*Motion made, seconded and unanimously carried to approve the requests for provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Automotive Technician III, Sun Metro (1 position)

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\*Motion made, seconded and unanimously carried to approve the request from Robert Maldonado, of the Equipment Maintenance Department for Special Sick Leave.

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\*Motion made, seconded and unanimously carried to re-appoint Patricia Palafox to the City/County Animal Shelter Advisory Committee by Representative Escobar.

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\*Motion made, seconded and unanimously carried to re-appoint Terry A. Partanen to the Public Utility Regulation Board by Representative Sariñana.

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\*Motion made, seconded and unanimously carried to appoint Christine Ramirez to the Ad Hoc Waste Tire Committee by Representative Escobar.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

Confirm the Mayor's appointment of Wendy Hebestreit as Comptroller, EX - B, at a starting salary of \$78,719.55.

Representative Sumrall pointed out that the City is very fortunate to have Ms. Hebestreit. Ms. Sumrall continued that Ms. Hebestreit had competed with individuals from across the country and congratulated her on her new position.

Ms. Hebestreit, stated she is very appreciative of the appointment and guaranteed to continue the hard work.

Motion made by Representative Sumrall, seconded by Representative Hernandez and unanimously carried to confirm the Mayor's appointment of Wendy Hebestreit as Comptroller, EX - B, at a starting salary of \$78,719.55.

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\*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign the payment agreements on behalf of the City:

- A. PID #X173-000-0000-0340, \$325.14 per month installments on a balance of \$5,017.03 for 1997 and 1999 taxes; Raquel Rios - 7801 Kiely Dr.
- B. PID #B315-000-0010-0900, \$290.32 per month installments on a balance of \$3,265.22 for 1995, 1997 and 1999 taxes; Guadalupe P. Barrio - 11850 Alameda.
- C. PID #R574-999-0050-0500, \$398.91 per month installments on a balance of \$4,118.31 for 1999 taxes; Jeff D. & Tracey A. Fine - 4710 Portsmouth Blvd.
- D. PID #S816-999-0830-3400, \$139.78 per month installments on a balance of \$2,268.46 for 1997 and 1999 taxes; Alejandro E. Ruiz and Margaret E. Saenz - 4817 Harcourt.
- E. PID #D450-000-0010-0300, \$475.67 per month installments on a balance of \$10,566.09 for 1994 and 1999 taxes; Hurschel G. and Dale R. Nelums - 15532 Snohomish Loop.
- F. PID #V893-999-1650-2100, \$295.34 per month installments on a balance of \$5,256.35 for 1998 and 1999 taxes; Donald & Maria Sweigart - 11243 Leo Collins Dr.
- G. PID #0690-999-0007-0000, \$623.72 per month installments on a balance of \$4,738.84 for 1998 and 1999 taxes; Sun Country Cleaners, % Larry Hernandez - 1550 Hawkins Blvd.
- H. PID #0500-999-2003-0000, \$480.05 per month installments on a balance of \$2,773.20 for 1999 taxes; Lone Star Sanitary Service, % A. Hinojosa - 255 S. Zaragoza Rd.
- I. PID #R439-999-0030-9200, \$371.35 per month installments on a balance of \$4,216.94 for 1995 taxes; Jorge & Hilda Silva - 1508 Murchison Dr.

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\*Motion made, seconded and unanimously carried to award Bid No. 2001-013 2001 Building Materials and Supplies

Award To:	Vendor 1	Architectural Products Co., Inc. El Paso, Texas
	Item:	Group I - Item No. 8, 9 and 10 Group III - Item No. 1, 3, 4, 5, 7 and 8
	Amount:	\$5,000.00 (estimated annual)
	Vendor 2:	Lopez Lumber & Supply Co. Inc. El Paso, Texas
	Item:	Group I - Item No. 14, 15, 16, 17, 18, 19, 21, 22, 23, 26, 27, 29, 30 and 31 Group II - Item No. 1, 2, 3, 4, 7, 9, 12, 13, 14, 15, 16, 17 and 18 Group III - Item No. 9, 11 and 12
	Amount:	\$5,000.00 (estimated annual)
	Vendor 3:	L&W d.b.a. Building Specialties El Paso, Texas
	Item:	Group I - Item No. 1, 2, 3, 4, 5, 6, 7, 11, 12, 13, 20, 24, 25, 28, 32, REGULAR COUNCIL MEETING - JANUARY 16, 2001

33, 34 and 35  
Group II - Item No. 5, 8, 10 and 11  
Group III - Item No. 10, 13 and 14  
Amount: \$5,000.00 (estimated annual)

Department: Public Works - Building Maintenance Division  
Funds available: 010325-203200  
Funds available: 010326-010327-010328  
Funding source: General Fund  
Total amount: \$15,000.00 (estimated annual)

The Public Works Department (Building Maintenance Division) and Purchasing recommend award as indicated to Architectural Products Co. Inc., L&W d.b.a. Building Specialties and Lopez Lumber & Supply Co. Inc. They are the low, responsive, and responsible bidders meeting specifications.

Additionally, the Public Works Department (Building Maintenance Division) and Purchasing recommend the rejection of Group II, Item No. 6 and Group III, Item No. 2 since no bids were given for these items.

This is a twelve [12] months requirements-type contract to purchase Building Materials and Supplies as required for construction projects and facility repairs.

No fast payment discount is offered.

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\*Motion made, seconded and unanimously carried to award Bid No. 2001-066

Project: Seville Community Center Addition and Remodel  
Contractor: Excel Construction  
El Paso, Texas  
Department: Parks and Recreation  
Funding: 150000-7125CD-1121-208027 - Community Development  
Base Bid: \$660,524.00  
Total Award: \$660,524.00

That the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, the Purchasing Contract Compliance Administrator and the City Attorney.

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$10,000.00 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

Description or Explanation:

Base Bid - \$660,524.00  
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\*Motion made, seconded and unanimously carried to approve budget transfer BT201-174 COMMUNITY DEVELOPMENT

To provide adequate funding for the land acquisition for the Carpenter Addition, Street & Drainage project. The acquisition takes place in the 26<sup>th</sup> Year (2000-2001).

Decrease	\$2,000	from	150047/7126CD0002/208027	Construction
Increase	\$2,000	to	150069/7126CD0011/208034	Public Access

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\*Motion made, seconded and unanimously carried to approve budget transfer BT201-175 POLICE

The Department proposes to transfer the below funding. Additional funding is needed to cover increased maintenance cost of our computer systems. Funding is available due to the vehicle liability insurance being less than was projected.

Decrease	\$15,000	from	010050/204402	General Liab Ins
Increase	\$15,000	to	010056/202202	Data Processing

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\*Motion made, seconded and unanimously carried to approve budget transfer BT201-178 PARKS & RECREATION

Due to the mandatory parent program started by the sports section and the increase in teams in all sports programs, the sports section will need a budget increase as follows:

Increase	\$ 1,000	to	010215/500202/105020	Facility/Rentals Rev
Increase	\$32,150	to	010215/500202/105065	Misc Non-Operating
Increase	\$ 1,000	to	010215/500202/202220	Pest Control
Increase	\$32,150	to	010215/500202/204414	Memberships

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\*Motion made, seconded and unanimously carried to approve budget transfer BT201-202 POLICE

Department has applied for renewal of the HIDTA grant for Hijack operation. This transfer set the budget at the requested level. Adjustment will be made if actual award is different from request.

Increase	\$726,255	to	150040/210108/106000	Fed Grant Proceeds
Increase	\$332,200	to	150040/210108/201000	Non-Uniform W&S
Increase	\$111,213	to	150040/210108/201126	Police Pension
Increase	\$ 83,244	to	150040/210108/201002	Overtime
Increase	\$ 4,000	to	150040/210108/204201	Travel Expense
Increase	\$ 7,582	to	150040/210108/204412	Seminars/Ed Exp
Increase	\$ 62,640	to	150040/210108/202401	Building - Lease
Increase	\$ 540	to	150040/210108/202212	Security Contr
Increase	\$108,000	to	150040/210108/202408	Vehicles - Lease
Increase	\$ 3,492	to	150040/210108/204002	Pager Services
Increase	\$ 4,344	to	150040/210108/203100	Office Supply
Increase	\$ 9,000	to	150040/210108/203106	Undercover

\*Motion made, seconded and unanimously carried to approve budget transfer BT201-213 PARKS AND RECREATION

To appropriate funds from Carolina Recreation Center Parks User Fund balance to construct a wrought iron fence around playground. Fence is required both to meet requirements to conduct a day care operation, and to safeguard a \$40,000 investment in playground assets.

Increase	\$4,680	to	510073/500208/107002	Estimated Revenue
Increase	\$4,680	to	510073/500208/208001	Land Improvements

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\*Motion made, seconded and unanimously carried to approve budget transfer BT201-215 OMB

Establishing appropriation necessary for Street Flashers at Dick Shinaut Park.

Increase	\$ 9,784.13	to	125001/501445/107001	Intrafund Transfer
Decrease	\$ 7,000.00	from	125001/501445/208004	Public Use Facilities
Increase	\$16,784.13	to	125001/501445/208036	Street Lights/Traffic
Increase	\$ 2,601.14	to	125001/501449/207001	Intrafund Transfer
Increase	\$ 7,182.99	to	125001/501447/207001	Intrafund Transfer

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Motion made by Representative Escobar, seconded by Representative Sumrall and unanimously carried to postpone one week an Ordinance changing the zoning of the southeasterly 110 feet of Block 206, Alexander Addition, City of El Paso, El Paso County, Texas (401 Boston Avenue) from A-2/sp (Apartment/Special Permit) to A-O (Apartment-Office), and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Dr. Orestes Moldes / Representative: Mardi Crupper-Four Seasons Construction, Inc., 7365 Remcon Circle A-108, 79912; ZC-00058

Representative Medina was not present for the vote.

Representative Sumrall stated there were individuals in the audience that wanted to speak on this item.

Attorney Frank Ainsa, representative for Dr. Moldes, asked Council to postpone this item for one week.

Attorney Risher Gilbert, Rim Road Association representative, stated the Association is in opposition to the postponement. She asked Council to make a decision on this today. Ms. Gilbert stated the Rim Road Association is in opposition, as well as, the Kern Place Association. She asked Council Members to deny this appeal.

Representative Sumrall responded to Ms. Gilbert's statements.

Ms. Pat Adatao, Interim Planning Director, clarified statements made by Ms. Gilbert. She stated this is not an appeal, nor does it fall under Section 211.006(d) of the Local Government Code. This application was submitted for A/O zoning. The City Plan Commission (CPC) and Department Heads Coordinating Committee (DCC) recommended in favor of the A/O and added a restriction prohibiting medical offices. She added this is coming forward not as an appeal case but as a recommendation for A/O and the restriction prohibiting medical office. The department has received letters both in favor and in opposition. She further stated both the Rim Area Neighborhood Association and the Kern Place Association have submitted letters in favor of the CPC recommendation, which is A/O with the restriction against medical.

Representative Ortega asked additional questions from Ms. Adatao.

Ms. Adatao stated again that the applicant is requesting A/O to have both professional and medical offices. The recommendation of the DCC and CPC was, because of its location in the center of the neighborhood, that professional offices would yield less traffic than would medical offices. The applicant is proposing 1500 square feet of medical office on the site. She presented slides to Council at this time.

Representative Cook asked Mr. Ainsa what the intention of the owner was.

Mr. Ainsa responded the intention of the owner is to use this building for medical offices. He added further comments regarding the traffic issue.

Representative Sumrall recommended postponing this item for one week for further discussion regarding the parking spaces.

Representative Ortega asked what the current use of the building is.

Ms. Adatao stated the building is vacant, it was formerly a fraternity house.

Representative Hernandez asked what kind of doctor was Dr. Moldes.

Mr. Ainsa responded he is a gastroenterologist.

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Motion made by Representative Ortega, seconded by Representative Escobar and unanimously carried to postpone one week the Resolution approving Detailed Site Development Plan No. DP-00012, for all Lots in Hueco Mountain Village, Replat "A", El Paso, El Paso County, Texas (11850 Montana Avenue), pursuant to Section 20.04.140 of the El Paso Municipal Code. Zone: R-5/sp (Residential/special permit). Applicant: 11850 Montana, LTD / Representative: Kistenmacher Engineering Co., Inc., 1420 Geronimo Dr., El Paso, TX 79925

Representative Sumrall and Representative Medina were not present for the vote.

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**ORDINANCE 14749**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1-A, SECTION 45, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS (JOE BATTLE BOULEVARD AT ZARAGOZA ROAD) AS FOLLOWS: PARCEL 1, FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL); PARCEL 2, FROM R-3 (RESIDENTIAL) TO R-5 (RESIDENTIAL); PARCEL 3, FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL); PARCEL 4, FROM R-3 (RESIDENTIAL) TO A-2 (APARTMENT); AND PARCEL 5, FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL), AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Ortega, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Cook, Ortega, Escobar, Sarniana and Hernandez

NAYS: None Absent: Mayor Carlos M. Ramirez

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Sumrall and Representative Medina were not present for the vote.

## ORDINANCE 14750

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF TRACTS 2 AND 3, W.H. LENEX SURVEY NO.432, AND TRACTS 4-B AND 3-C, S.A. AND M. / RAILROAD SURVEY NO. 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS (SOUTH DESER. BOULEVARD AT ARTCRAFT ROAD) AS FOLLOWS: PARCEL 1, FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL); PARCEL 2, FROM R-3 (RESIDENTIAL) TO C-2 (COMMERCIAL); AND PARCEL 3, FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL), AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE CITY OF EL PASO MUNICIPAL CODE.**

Representative Sumrall stated this is an excellent project in an area which needs more affordable housing. Ms. Pat Adaauto, Interim Planning Director, showed a slide presentation.

Motion duly made by Representative Sumrall, seconded by Representative Hernandez that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Ortega, Escobar, Sariñana and Hernandez

NAYS: None Absent: Mayor Carlos M. Ramirez

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Medina was not present for the vote.

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Motion made by Representative Sumrall, seconded by Representative Hernandez and unanimously carried to postpone one week an Ordinance changing the zoning of all of Lot 292, Block 18, Coronado Hills Section Two, City of El Paso, El Paso County, Texas (6100 Fiesta Drive) from R-3 (Residential) to S-D (Special Development), and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the City of El Paso Municipal Code. Applicant / Representative: Nydia Martin, 4012 Esperanza Circle, El Paso, Texas 79922. ZC-00072

### **THIS IS AN APPEAL ZONING CASE**

Representative Sumrall stated this is a touchy case. This home is located on the corner of a very busy street and the applicant is proposing to use this as a day care center. Representative Sumrall stated she has received letters from neighbors which stated their concern regarding the safety issue with small children and drivers speeding on Fiesta Drive.

Representative Hernandez asked if there would be a drop-off point for the children.

Ms. Pat Adaauto, Interim Planning Director, presented slides for Council Members and discussed the property in length.

Mayor Pro Tem Ortega asked if there had been a traffic study done and/or a possibility of installing traffic lights at this intersection.

Mr. Ted Marquez, Traffic Engineering, responded.

Ms. Adaauto stated the City Plan Commission and the DDC recommended against this case and explained their reasons. She added there are three letters in opposition which would not trigger a three quarters vote under Section 211.006(d) of the Local Government Code. Ms. Adaauto stated the applicant commented that the property was formerly used for commercial use.

Mr. Terry Williams, Deputy Director of Building Services, stated the only record the City has shows this as a single family residence. Any commercial activity would have been illegal.

Mr. Danny Bateda, representing the applicant, stated he was unaware of any opposition at this time. Mr. Bateda commented on the parking spaces requirement. He asked Council to reconsider the denial. Note: A motion had been made by Representative Sumrall, seconded by Representative Cook to deny. This motion was later withdrawn.

Mr. Ray Gilbert, citizen, commented regarding "this extremely dangerous intersection". He recommended that Council deny this.

Representative Sumrall concurred with Mr. Gilbert and asked for a report regarding the number of accidents, a traffic count and a traffic study. Representative Escobar addressed the safety and parking issues.

.....  
**ORDINANCE 14751**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF LOTS 27, 28 AND A PORTION OF LOT 29, BLOCK 17, FRANKLIN HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS (1221 MAGOFFIN AVENUE) AS FOLLOWS: PARCEL 1, FROM C-1 (COMMERCIAL) TO A-3/H (APARTMENT/HISTORIC OVERLAY); AND PARCEL 2, FROM A-3 (APARTMENT) TO A-3/H (APARTMENT/HISTORIC OVERLAY). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE CITY OF EL PASO MUNICIPAL CODE.**

Representative Hernandez stated this was the first building the City condemned because of the conditions the residents were living in.

Mr. Ray Tullius, El Paso Coalition for the Homeless, stated the building will be used to put in 20 SRO (single room occupancy) units. He added these units will house the "fragile" homeless individuals, those that are elderly and disabled.

Representative Hernandez asked if the residents help with the upkeep of the building.

Mr. Tullius responded yes it will be kept up and stated he has operational funds from HUD to maintain the building for a period of 10 years.

Motion duly made by Representative Hernandez, seconded by Representative Sumrall that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Ortega, Escobar, Sariñana and Hernandez

NAYS: None Absent: Mayor Carlos M. Ramirez

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

## ORDINANCE 14752

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2, (ADMINISTRATIVE AND PERSONNEL), CHAPTER 2.16, (ZONING BOARD OF ADJUSTMENT), SECTION 2.16.050, (SPECIAL EXCEPTIONS) BY ADDING PARAGRAPH U TO PERMIT THE ENCROACHMENT INTO YARD SETBACK REQUIREMENTS FOR ENCROACHMENTS THAT HAVE BEEN IN EXISTENCE FOR FIFTEEN YEARS OR LONGER UNDER CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Terry Williams, Deputy Director for Building Services, explained this item comes through the (Building and Zoning Advisory Committee) BZAC process along with the recommendation of the City Plan Commission, (Zoning Board of Adjustment) ZBA, and the Department. This change specifically will assist homeowners seeking appeal from the zoning requirements for projects which previous owners have built illegally.

Representative Sariñana made comments regarding grandfathering.  
Mr. Williams responded.

Representative Sumrall commented how this would assist someone who had been denied previously.

Motion duly made by Representative Hernandez, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Ortega, Escobar, Sariñana and Hernandez

NAYS: None                      Absent: Mayor Carlos M. Ramirez

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**ORDINANCE 14753**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF ACCESSIBILITY AND ADA COORDINATOR.**

Ms. Terry Bond, Interim Personnel Director, made comments regarding the Ordinance and explained the changes were basically editorial.

Ms. Monica D. Cunningham, Chief Administrative Officer, stated in the budget the position had been placed under the Building Services Department; however, it has since been revised and returned to the Community Development Department.

Motion duly made by Representative Sariñana, seconded by Representative Sumrall that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Ortega, Escobar, Sariñana and Hernandez

NAYS:           None                               Absent:           Mayor Carlos M. Ramirez

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
\*Motion made, seconded and unanimously carried to postpone one week an Ordinance granting a Special Privilege to the El Paso Community College permitting the encroachment of subsurface reinforcing tie-backs for a retaining wall onto a portion of public right-of-way within Block 6, Sunset Heights Addition. SP-00022 (Fee: \$1,100.00)  
.....

**ORDINANCE 14754**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO THE CENTRAL BUSINESS ASSOCIATION OF EL PASO, INC., TO PERMIT TEMPORARY SIDEWALK VENDING FOR PARTICIPATING MERCHANTS WITHIN CERTAIN PUBLIC RIGHTS-OF-WAY IN DOWNTOWN EL PASO FROM JANUARY 17, 2001 THROUGH DECEMBER 31, 2001.**

Representative Hernandez asked Mr. Alonzo Flores to come forward and make comments.

Mr. Flores, Director of Operations of the El Paso Central Business Association, stated this is a timely issue. He explained yesterday the Mexican Government approved an increase in the duty free allowance from \$50.00 to \$150.00 per person and \$400.00 per vehicle. He added this will be a benefit to the City.

Representative Hernandez commented on the successful Christmas season for the downtown vendors. She stated there will be approximately 155 special permits issued.

Motion duly made by Representative Hernandez, seconded by Representative Medina that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:           Council Members Sumrall, Rodriguez, Medina, Cook, Ortega, Escobar, Sariñana and Hernandez

NAYS:           None                               Absent:           Mayor Carlos M. Ramirez

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**ORDINANCE 14755**

The City Clerk read an Ordinance entitled: **AN ORDINANCE DESIGNATING REINVESTMENT ZONE "HH" WITHIN THE CITY OF EL PASO AS AUTHORIZED BY THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT, §§312.001 ET. SEQ., TEXAS TAX CODE, AS AMENDED; DESCRIBING THE BOUNDARIES OF SAID REINVESTMENT ZONE "HH"; DESCRIBING THE ELIGIBILITY OF SAID REINVESTMENT ZONE "HH" FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT OF REAL AND PERSONAL PROPERTY LOCATED THEREIN; AND PROVIDING FOR A SAVINGS CLAUSE.**

Representative Sumrall stated this is an excellent idea and added the fact that this is a retail store in an area where there hasn't been any retail of this type. She added comments regarding the closing of the Home Depot stores and the initiation of the Lowe's stores.

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## RESOLUTION

### **AFTER A PUBLIC HEARING, MAKING CERTAIN FINDINGS AS TO THE DESIGNATION OF REINVESTMENT ZONE "HH" IN ACCORDANCE WITH THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT.**

WHEREAS, the City Council (the "City Council") of the City of El Paso, Texas (the "City") gave due and proper notice of public hearing as to the designation of a reinvestment zone pursuant to the requirements of the Property Redevelopment and Tax Abatement Act, §§ 312.001 et. seq., TEX. TAX CODE ANN., as amended (the "Act");

WHEREAS, the City Council has found that notice was properly given as to such public hearing by: (1) publication of such notice in a newspaper having general circulation in the City no later than the seventh day before the date of the hearing, a copy of the Affidavit of Publication as to such notice being attached hereto as Exhibit "B"; and (2) delivery of such notice in writing to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone no later than the seventh day before the date of the hearing, a copy of the form of the notice sent to each presiding officer of the governing body of each such taxing unit being attached hereto as Exhibit "C"; (All Exhibits on file with this Resolution in the City Clerk's Office.)

WHEREAS, the City Council has found that the public hearing was held on this date in accordance with law and at which time all interested persons were given the opportunity to speak and present evidence for or against the designation of the reinvestment zone, and that the City Council has given due and proper regard to the testimony presented;

WHEREAS, the City Council has determined and hereby finds that the land within the City to be designated as a reinvestment zone is set forth and described in Exhibit "A" attached hereto;

WHEREAS, the City Council has determined and hereby finds that the proposed improvements to be placed on the land located within the Reinvestment Zone are feasible and practical and would be a benefit to such land in the Reinvestment Zone and to the City after the expiration of a Tax Abatement Agreement entered into in accordance with § 312.204 of the Act, as amended;

WHEREAS, the City Council has determined and hereby finds that such land designated as a reinvestment zone will be reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the Reinvestment Zone that would be a benefit to the property and that would contribute to the economic development of the City; and

WHEREAS, the City Council represents and finds that the land to be included in the Reinvestment Zone meets the Guidelines and Criteria Governing Tax Abatement Agreements set forth and adopted in a Resolution approved by the City Council on April 27, 1999, as amended by resolution dated September 12, 2000.

### **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

Section 1: That the determinations and findings recited and declared in the preambles to this Resolution are hereby restated, repeated and incorporated herein as current, proper and lawful findings of the City Council of the City of El Paso, Texas.

Section 2: That the land set forth and described in Exhibit "A" attached hereto and which is incorporated herein by reference thereto for all purposes, is hereby declared to be eligible to be designated as Reinvestment Zone "HH" pursuant to the requirements of the Act.

Section 3: That the City Council of the City represents that it will review all proposed descriptions for approval of specific projects to be made and subject of a Tax Abatement Agreement and to be located within such Reinvestment Zone "HH," in order to determine whether such projects are consistent with the Guidelines and Criteria Governing Tax Abatement Agreements as heretofore approved by the City Council.

Mr. John Nance, Assistant City Attorney, asked for any comments. There were none.

Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to approve the above Resolution and close the public hearing.

.....  
**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE  
A TAX ABATEMENT AGREEMENT  
With  
Kohl's Department Stores, Inc.  
PURSUANT TO THE REQUIREMENTS OF THE PROPERTY REDEVELOPMENT  
AND TAX ABATEMENT ACT, CHAPTER 312,  
TEXAS TAX CODE.**

**WHEREAS,** the City Council (the "City Council") of the City of El Paso, Texas (the "City") enacted and adopted Ordinance No. 14755 on January 16, 2001, designating Reinvestment Zone "HH" pursuant to the requirements of the Property Redevelopment and Tax Abatement Act, §§ 312.001, et. seq. Texas Tax Code, as amended (the "Act");

**WHEREAS,** pursuant to the requirements of the Act and of the Guidelines and Criteria Governing Tax Abatement Agreements adopted by the City Council by resolution on April 27, 1999, as amended by resolution dated September 12, 2000, the City Council intends to enter into a Tax Abatement Agreement (the "Agreement") with Kohl's Department Stores, Inc. which owns or has a possessory interest in certain taxable real property located in the Zone.

**WHEREAS,** pursuant to the requirements of the Act, notice of the City's intent to enter into the Agreement together with a copy of the proposed agreement was mailed to the presiding officer of the governing body of each other taxing unit in which the property to be subject to the agreement is located not later than the seventh (7th) day before the date on which City Council intends to enter into the Agreement; and

**WHEREAS,** the City intends to enter into such an Agreement;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the Tax Abatement Agreement with Kohl's Department Stores, Inc. pursuant to the terms and conditions as set forth and stated in a copy of such agreement which is attached hereto as Exhibit "A" and incorporated herein by reference. (Exhibit on file with this Resolution in the City Clerk's Office.)

Motion made by Representative Hernandez, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

**ORDINANCE 14756**

The City Clerk read an Ordinance entitled: **AN ORDINANCE DESIGNATING REINVESTMENT ZONE "II" WITHIN THE CITY OF EL PASO AS AUTHORIZED BY THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT, §§312.001 ET. SEQ., TEXAS TAX CODE, AS AMENDED; DESCRIBING THE BOUNDARIES OF SAID REINVESTMENT ZONE "II"; DESCRIBING THE ELIGIBILITY OF SAID REINVESTMENT ZONE "II" FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT OF REAL AND PERSONAL PROPERTY LOCATED THEREIN; AND PROVIDING FOR A SAVINGS CLAUSE.**

Representative Hernandez asked when the potential opening date would be.  
Mr. Worthington responded in August.

Motion duly made by Representative Hernandez , seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Ortega, Escobar, Sariñana and Hernandez

NAYS: None Absent: Mayor Carlos M. Ramirez

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

**RESOLUTION**

**AFTER A PUBLIC HEARING, MAKING CERTAIN FINDINGS AS TO THE DESIGNATION OF REINVESTMENT ZONE "II" IN ACCORDANCE WITH THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT.**

WHEREAS, the City Council (the "City Council") of the City of El Paso, Texas (the "City") gave due and proper notice of public hearing as to the designation of a reinvestment zone pursuant to the requirements of the Property Redevelopment and Tax Abatement Act, §§ 312.001 et. seq., TEX. TAX CODE ANN., as amended (the "Act");

WHEREAS, the City Council has found that notice was properly given as to such public hearing by: (1) publication of such notice in a newspaper having general circulation in the City no later than the seventh day before the date of the hearing, a copy of the Affidavit of Publication as to such notice being attached hereto as Exhibit "B"; and (2) delivery of such notice in writing to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone no later than the seventh day before the date of the hearing, a copy of the form of the notice sent to each presiding officer of the governing body of each such taxing unit being attached hereto as Exhibit "C"; (Exhibits on file with this Resolution in the City Clerk's Office.)

WHEREAS, the City Council has found that the public hearing was held on this date in accordance with law and at which time all interested persons were given the opportunity to speak and present evidence for or against the designation of the reinvestment zone, and that the City Council has given due and proper regard to the testimony presented;

WHEREAS, the City Council has determined and hereby finds that the land within the City to be designated as a reinvestment zone is set forth and described in Exhibit "A" attached hereto;

WHEREAS, the City Council has determined and hereby finds that the proposed improvements to be placed on the land located within the Reinvestment Zone are feasible and practical and would be a benefit to such land in the Reinvestment Zone and to the City after the expiration of a Tax Abatement Agreement entered into in accordance with § 312.204 of the Act, as amended;

WHEREAS, the City Council has determined and hereby finds that such land designated as a reinvestment zone will be reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the Reinvestment Zone that would be a benefit to the property and that would contribute to the economic development of the City; and

WHEREAS, the City Council represents and finds that the land to be included in the Reinvestment Zone meets the Guidelines and Criteria Governing Tax Abatement Agreements set forth and adopted in a Resolution approved by the City Council on April 27, 1999, as amended by resolution dated September 12, 2000.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

Section 1: That the determinations and findings recited and declared in the preambles to this Resolution are hereby restated, repeated and incorporated herein as current, proper and lawful findings of the City Council of the City of El Paso, Texas.

Section 2: That the land set forth and described in Exhibit "A" attached hereto and which is incorporated herein by reference thereto for all purposes, is hereby declared to be eligible to be designated as Reinvestment Zone "II" pursuant to the requirements of the Act.

Section 3: That the City Council of the City represents that it will review all proposed descriptions for approval of specific projects to be made and subject of a Tax Abatement Agreement and to be located within such Reinvestment Zone "II," in order to determine whether such projects are consistent with the Guidelines and Criteria Governing Tax Abatement Agreements as heretofore approved by the City Council.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve the above Resolution and close the public hearing.

.....  
**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE  
A TAX ABATEMENT AGREEMENT  
With  
Kohl's Department Stores, Inc.  
PURSUANT TO THE REQUIREMENTS OF THE PROPERTY REDEVELOPMENT  
AND TAX ABATEMENT ACT, CHAPTER 312,  
TEXAS TAX CODE.**

**WHEREAS,** the City Council (the "City Council") of the City of El Paso, Texas (the "City") enacted and adopted Ordinance No. 14756 on January 16, 2001, designating Reinvestment Zone "II" pursuant to the requirements of the Property Redevelopment and Tax Abatement Act, §§ 312.001, et. seq. Texas Tax Code, as amended (the "Act");

**WHEREAS** pursuant to the requirements of the Act and of the Guidelines and Criteria Governing Tax Abatement Agreements adopted by the City Council by resolution on April 27, 1999, as amended by resolution dated September 12, 2000, the City Council intends to enter into a Tax Abatement Agreement (the "Agreement") with Kohl's Department Stores, Inc. which owns or has a possessory interest in certain

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taxable real property located in the Zone.

**WHEREAS**, pursuant to the requirements of the Act, notice of the City's intent to enter into the Agreement together with a copy of the proposed agreement was mailed to the presiding officer of the governing body of each other taxing unit in which the property to be subject to the agreement is located not later than the seventh (7th) day before the date on which City Council intends to enter into the Agreement; and

**WHEREAS**, the City intends to enter into such an Agreement;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the Tax Abatement Agreement with Kohl's Department Stores, Inc. pursuant to the terms and conditions as set forth and stated in a copy of such agreement which is attached hereto as Exhibit "A" and incorporated herein by reference. (Exhibit on file with this Resolution in the City Clerk's Office.)

Motion made by Representative Hernandez, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

Motion made by Representative Medina, seconded by Representative Cook and carried to reconsider the above Resolution. Mayor Pro Tem Ortega voted Nay on the reconsideration.

Motion made by Representative Cook, seconded by Representative Hernandez and carried to approve the above Resolution.

Representative Medina voted Nay.

.....  
**ORDINANCE 14757**

The City Clerk read an Ordinance entitled: **AN ORDINANCE DESIGNATING REINVESTMENT ZONE "JJ" WITHIN THE CITY OF EL PASO AS AUTHORIZED BY THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT, §§312.001 ET. SEQ., TEXAS TAX CODE, AS AMENDED; DESCRIBING THE BOUNDARIES OF SAID REINVESTMENT ZONE "JJ"; DESCRIBING THE ELIGIBILITY OF SAID REINVESTMENT ZONE "JJ" FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT OF REAL AND PERSONAL PROPERTY LOCATED THEREIN; AND PROVIDING FOR A SAVINGS CLAUSE.**

Mr. Adrian Ocegueda, Economic Program Analyst I, read into the record corrections made to the Ordinance. Mr. Ocegueda then presented Council Members with background regarding the Lowe's stores.

Mr. Gene Aka, Lowe's Home Centers of North Carolina, thanked Mr. Franco and Mr. Ocegueda for working with Lowe's in this process. He explained the full-time and part-time associates benefits. He added the Lowe's stores work with the local Red Cross, also assisting elderly and disadvantaged with home repairs, and also work within the schools assisting students with reading, math, etc.

Representative Medina made lengthy comments that we should not give rebates to the type of industries (retail) that are already here in El Paso. He mentioned a situation where this a (retail) store was going out of business and leaving El Paso. He asked that we give abatements to those companies that might not readily come to El Paso.

Mr. Franco responded to Representative Medina's comments. He said abatements are not always the qualifying incentive.

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benefit to such land in the Reinvestment Zone and to the City after the expiration of a Tax Abatement Agreement entered into in accordance with § 312.204 of the Act, as amended;

WHEREAS, the City Council has determined and hereby finds that such land designated as a reinvestment zone will be reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the Reinvestment Zone that would be a benefit to the property and that would contribute to the economic development of the City; and

WHEREAS, the City Council represents and finds that the land to be included in the Reinvestment Zone meets the Guidelines and Criteria Governing Tax Abatement Agreements set forth and adopted in a Resolution approved by the City Council on April 27, 1999, as amended by resolution dated September 12, 2000.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

Section 1: That the determinations and findings recited and declared in the preambles to this Resolution are hereby restated, repeated and incorporated herein as current, proper and lawful findings of the City Council of the City of El Paso, Texas.

Section 2: That the land set forth and described in Exhibit "A" attached hereto and which is incorporated herein by reference thereto for all purposes, is hereby declared to be eligible to be designated as Reinvestment Zone "JJ" pursuant to the requirements of the Act.

Section 3: That the City Council of the City represents that it will review all proposed descriptions for approval of specific projects to be made and subject of a Tax Abatement Agreement and to be located within such Reinvestment Zone "JJ," in order to determine whether such projects are consistent with the Guidelines and Criteria Governing Tax Abatement Agreements as heretofore approved by the City Council.

Motion made by Representative Cook, seconded by Representative Hernandez and carried to approve the above Resolution and close the public hearing.

Representative Medina voted Nay.

.....  
**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE  
A TAX ABATEMENT AGREEMENT**

**With**

**Lowe's Home Centers, Inc.**

**PURSUANT TO THE REQUIREMENTS OF THE PROPERTY REDEVELOPMENT  
AND TAX ABATEMENT ACT, CHAPTER 312,  
TEXAS TAX CODE.**

**WHEREAS,** the City Council (the "City Council") of the City of El Paso, Texas (the "City") enacted and adopted Ordinance No. 14757 on January 16, 2001, designating Reinvestment Zone "JJ" pursuant to the requirements of the Property Redevelopment and Tax Abatement Act, §§ 312.001, et. seq. Texas Tax Code, as amended (the "Act");

**WHEREAS,** pursuant to the requirements of the Act and of the Guidelines and Criteria Governing Tax Abatement Agreements adopted by the City Council by resolution on April 27, 1999, as amended by resolution dated September 12, 2000, the City Council intends to enter into a Tax Abatement Agreement (the "Agreement") with Lowe's Home Centers, Inc. which owns or has a possessory interest in certain taxable real property located in the Zone.

**WHEREAS,** pursuant to the requirements of the Act, notice of the City's intent to enter into the Agreement together with a copy of the proposed agreement was mailed to the presiding officer of the governing body of each other taxing unit in which the property to be subject to the agreement is located n later than the seventh (7th) day before the date on which City Council intends to enter into the Agreement, and

**WHEREAS,** the City intends to enter into such an Agreement;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the Tax Abatement Agreement with Lowe's Home Centers, Inc. pursuant to the terms and conditions as set forth and stated in a copy of such agreement which is attached hereto as Exhibit "A" and incorporated herein by reference. (Exhibit on file with this Resolution in the City Clerk's Office.)

Motion made by Representative Escobar, seconded by Representative Medina and carried to approve the above Resolution.

Representative Medina voted Nay.

.....  
\*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 549-553 Emerson Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.  
.....

**ORDER**

WHEREAS, after providing due notice to the Owners of the hereinafter described property, the City Council of the City of El Paso conducted public hearings on November 14<sup>th</sup>, 2000 and January 16<sup>th</sup>, 2001, regarding the property located at 138 N. Toledo Place which property is more particularly described as:

Lots: 5 & 6, Block 6, Sambrano Subdivision, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 2, Page 2, Plat Records of El Paso County, Texas

and found that the Building located on said property are substandard; unfit for habitation and a hazard to public health, safety and welfare; and that the Building is not in substantial compliance with the Municipal Ordinances, and that the Building can be repaired; and

WHEREAS, having found that the Building is not in substantial compliance with the Municipal Ordinances, the City Council ORDERED the Owners of said property to secure the Building, maintain the Building secure and clean the premises of all weeds, trash and debris, within 30 days of adoption of the Resolution of November 14<sup>th</sup>, 2000 that is on or before December 13<sup>th</sup>, 2000; and

WHEREAS, the City Council ORDERED the Owners of said property to appear before City Council on January 16<sup>th</sup>, 2001, for a public hearing to determine whether the Council Order has been complied with and to determine penalties if the Council Order has not been complied with; and

WHEREAS, no one appeared.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That City Council having heard the evidence, makes the following findings:



- a. That the Owners of said property, David J. & Teresa R. Bynum, 5314 Gateway East, El Paso, Texas 79905, were notified of the requirements of Section 18.52.040 and of their need to comply with these requirements as they relate to their property; and
- b. That after notification, the Owners committed an act in violation of Section 18.52.040 or failed to take an action necessary for compliance with 18.52.040, specifically; the Owners failed to secure the Building, maintain the Building secure, and clean the premises of all weeds, trash and debris within 30 days after November 14<sup>th</sup>, 2000, that is on or before December 13<sup>th</sup>, 2000; and
- c. That the Owners have failed to comply with the Order each day from December 13<sup>th</sup>, 2000 through January 16<sup>th</sup>, 2001, a total of 34 days; and
- d. That the property which is subject to the Order is not the Owner's homestead; and
- e. That the City Council can assess a civil penalty against the Owners in an amount not to exceed \$1000 a day for each violation, a total of \$34,000

**NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the Owners are hereby assessed the following civil penalties: \$100 a day for each of the 34 days during which the City Council Order of November 14<sup>th</sup>, 2000, was not complied with; for a total of \$3,400; and
2. That the City Clerk file a certified copy of this Order with the District Clerk of the County of El Paso; and
3. That the Owners are hereby placed on notice that continuing failure to comply with the City Council's order to secure the Building, maintain the Building secure, and clean the premises of all weeds, trash, and debris, may result in additional penalties.

Mr. Juan Sandoval, Tax Assessor Collector, stated the property has delinquent taxes in the amount of \$8,904.97 for years 1996 - 1999. He added this is in a lawsuit.

Mr. Bill Stern, Building Services, presented this case and gave the Department's recommendation.

Mr. Edward Hernandez, attorney with Delgado, Acosta Spencer Linebarger Heard & Perez LLP, stated a nationwide internet search has been conducted and they believe the owner(s) to be in Florida and are in the process to attempt to serve them there.

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to approve the above Resolution as recommended by the Building Services Department.

.....  
Motion made by Representative Sariñana, seconded by Representative Hernandez and unanimously carried to award Bid No. 2001-070

**Wheelchair Transport Van**

Award To:	National Bus Sales and Leasing, Inc.
	Euless, TX
Item:	1A
Amount:	\$39,700.00

Department:	Parks
Funds available:	250101-208006-MB0001-130
Funding source:	FY2000 Certificates of Obligation
Total amount:	\$39,700.00

The Equipment Maintenance, Parks, and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase one (1) Wheelchair Transport Conversion Van. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one hundred eighty (180) days from the date of award of the contract.

No prompt payment discount is offered.

.....  
Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to reject Bid No. 2001-029 Sandbagging Machine as recommend by Purchasing and the Street Departments.

This requirement will be reviewed by the user department. A new solicitation will be issued at a later time.

.....  
Motion made by Representative Cook, seconded by Representative Hernandez and unanimously carried to refer Mr. Garcia to the City-County Health District concerning possible hazardous shipments of agricultural products and other products from Mexico into the United States. (David G. Garcia)

Mr. David G. Garcia presented comments to Council Members regarding shipments of products from Mexico into the United States.

Representative Cook asked the City Attorney if the City has jurisdiction to inspect goods coming from Mexico which may have been treated with pesticides or other toxic chemicals.

Mr. Charlie McNabb, City Attorney, responded that was not within the City's jurisdiction.

Representative Cook suggested Mr. Garcia meet with Dr. Magaña with the City-County Health District.

Representative Sariñana made statements.

Mr. Garcia asked Council Members to take a stronger and active part involving the environment. He made comments regarding methol bromide.

Representative Sumrall offered her assistance.

.....  
Motion made by Representative Medina, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance to amend Ordinance 8961, to repeal the residency requirement for appointees to the City Accessibility Advisory Committee.
- B. An Ordinance permitting The Humane Society of El Paso to use a portion of Eastwood Album Park from 6:00 AM until 11:00 AM on April 8, 2001 for a pet fair.

- C. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) for the abolishment of obsolete or dormant job classes.
- D. An Ordinance closing the public hearing and levying assessments for part of the costs of street improvements in the Kimberly Heights Subdivision, El Paso, El Paso County, Texas; fixing a lien and charge against property abutting the improved streets and against the owners thereof; and providing for the collection of such assessments thereof.
- E. An Ordinance providing for the issuance, sale and delivery of City of El Paso, Texas, combination Tax and Revenue Certificates of Obligation, Series 2001, in the aggregate principal amount of \$26,850,000 for the purpose of paying contractual obligations to be incurred for the construction of public works within and for the City; approving a purchase contract; levying a tax in payment thereof; and enacting other provisions relating thereto.
- F. An Ordinance authorizing the issuance of City of El Paso, Texas, General Obligation Commercial Paper Notes, Series A, in an aggregate amount not to exceed \$50,000,000 for the purpose of providing money for certain authorized purposes; approving and authorizing certain authorized Officers and employees to act on behalf of the City in the selling and delivery of such Notes, within the limitations and procedures specified herein; making certain Covenants and Agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of the Notes, including the approval of an Issuing and Paying Agency Agreement, a Credit Agreement, an Offering Memorandum and a Commercial Paper Dealer Agreement.

**PUBLIC HEARING WILL BE HELD ON JANUARY 30, 2001 FOR ITEMS A - F**

- G. An Ordinance amending Ordinance No. 014332, which granted a Special Permit to allow for a Planned Residential Development on Tracts 6, 7, 16, 17, 24 and 25, O. A. Danielson Survey Number 310, El Paso, El Paso County, Texas, by deleting Tracts 24 and 25 from the boundaries of the approved Special Permit and by granting Special Permit No. SU-00023 to allow for a Planned Residential Development on all of Tracts 23, 24, 25, 26 and 27, O. A. Danielson Survey Number 310, El Paso, El Paso County, Texas (near George Dieter Drive and Guernsey Road) pursuant to Section 20.12.040A (Zoning) of the El Paso Municipal Code. Zone R-3 (Residential); Applicant: RADCO Development Co., Inc./ Representative: Moreno Cardenas Inc., 2505 E. Missouri Ave., El Paso, TX 79903.
- H. An Ordinance changing the zoning of the west 120 feet of Lot 1 and the south 47.35 feet of Lot 2, Block 34, Colonia Verde Unit Five, City of El Paso, El Paso County, Texas (10003 Rushing Road) from C-4 (Commercial) to C-3 (Commercial), and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Manuel A. Portillo, Jr. / Representative: Luis & Rene De la Cruz, 9013 Lait Dr., El Paso, TX (25). ZC-00076.

**PUBLIC HEARING WILL BE HELD ON FEBRUARY 6, 2001 FOR ITEMS G - H**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

**ADDITION TO THE AGENDA**

**\*RESOLUTION**

**WHEREAS**, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

**WHEREAS**, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections ( c ) and ( d ) of the Texas Property Tax Code;

**NOW, THEREFORE, BE IT RESOLVED**

**THAT** the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05, subsections ( c ) and ( d ) of the Texas Property Tax Code a parcel of property described as;

**Tract 26, (0.25 acre), Block 55, San Elizario, El Paso County, Texas.  
(PID #S075-000-0550-2600)**

.....  
**\*RESOLUTION**

**WHEREAS**, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

**WHEREAS**, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections ( c ) and ( d ) of the Texas Property Tax Code;

**NOW, THEREFORE, BE IT RESOLVED**

**THAT** the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05, subsections ( c ) and ( d ) of the Texas Property Tax Code a parcel of property described as;

**Tract 24, (0.210 acre), Block 55, San Elizario, El Paso County, Texas.**

.....  
**\*RESOLUTION**

**WHEREAS**, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

**WHEREAS**, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections ( c ) and ( d ) of the Texas Property Tax Code;

**NOW, THEREFORE, BE IT RESOLVED**

**THAT** the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05, subsections ( c ) and ( d ) of the Texas Property Tax Code a parcel of property described as;

**Lot 11, Block 6-A, Le Barron Park Subdivision, an Addition to the City of El Paso, as further described in Volume 2197, Page 1063, Deed Records, El Paso County, Texas.**

**\*RESOLUTION**

**WHEREAS**, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

**WHEREAS**, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections ( c ) and ( d ) of the Texas Property Tax Code;

**NOW, THEREFORE, BE IT RESOLVED**

**THAT** the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05, subsections ( c ) and ( d ) of the Texas Property Tax Code a parcel of property described as;

**All of Lots 12 and part of Lots 13 and 14, Block 103, Grandview, an Addition to the City of El Paso, being more particularly described by metes and bounds in Volume 998, Page 1892, Deed Records of El Paso County, Texas.**

**\*RESOLUTION**

**WHEREAS**, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

**WHEREAS**, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections ( c ) and ( d ) of the Texas Property Tax Code;

**NOW, THEREFORE, BE IT RESOLVED**

**THAT** the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05, subsections ( c ) and ( d ) of the Texas Property Tax Code a parcel of property described as;

**Lot 24, Block 42, East El Paso Addition, an Addition to the City of El Paso, being more particularly described in Volume 615, Page 32, Deed Records of El Paso County, Texas.**

Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**WHEREAS**, the Texas Department of Transportation (TxDOT) guidelines for the nomination of projects for TEA-21 reimbursement require that candidate projects within a single city or single metropolitan area be nominated by the governing body of the city or MPO; and

**WHEREAS**, the nominating entity must enter into an agreement with TxDOT and be financially responsible for the non-federal funding and for the implementation of a project; and

**WHEREAS**, TxDOT strongly encourages nominating entities to prioritize projects; and

**WHEREAS**, the City of El Paso, as an eligible nominating entity, must "be willing to commit to the recommendation, implementation, development, construction, maintenance and financing" of any project it nominates; and

**WHEREAS**, in order to responsibly exercise its obligation as the nominating entity for El Paso County projects, the City of El Paso will apply certain criteria in screening and ranking projects for nomination; and

**WHEREAS**, the local screening process is intended to help ensure the eligibility and feasibility of projects for which the City accepts responsibility as nominator; and

**WHEREAS**, the local screening process will also assist project sponsors in strengthening their applications and chances in the highly competitive statewide selection process,

**NOW, THEREFORE, BE IT RESOLVED:**

**THAT** the City Council of the City of El Paso, Texas hereby reserves the right to prioritize projects for nomination and establishes the following criteria to assist in its screening and ranking of eligible projects for submission under the 2001 Statewide Transportation Enhancement Program (TEA-21):

A. **APPLICATION SUBMISSION DEADLINE.** All applications that require nomination by the City of El Paso must be received no later than 4:00 p.m., on Friday, March 30, 2001. Applications may be mailed or hand delivered to the attention of Ms. Terry Quezada, Public Works Department, City Hall Building, 6<sup>th</sup> Floor, Two Civic Center Plaza, El Paso, Texas 79901. Sponsoring organizations are strongly encouraged to contact Mr. Blake Fry, City of El Paso, 541-4265, as well as the TxDOT Regional Office, to discuss your project plans.

B. **NOMINATION SCREENING CRITERIA.** The City of El Paso will screen all applications for eligibility and feasibility prior to submitting a nomination packet to the Texas Department of Transportation (TxDOT). All projects will be submitted to City Council for approval.

Eligibility

The first part of the nomination screening process is designed to ensure that all nominated projects from El Paso meet the minimum eligibility requirements of TxDOT for projects. The City of El Paso will work closely with TxDOT regional staff in reviewing eligibility of projects for nomination.

All projects must meet each of the following criteria for eligibility, as required by federal and state guidelines:

- Project demonstrates a relationship, by function or by impact, to the surface transportation system.
- Project fits one of the 12 allowable activity categories.
- Project goes "above and beyond" standard transportation activities (project could not be considered routine in a standard highway or transportation project).
- Project complies with all applicable state and federal laws and regulations, including environmental requirements.
- Project complies with ADA requirements.

In addition, applications must follow all requirements for allowable project expenses and activities. For example, environmental mitigation of hazardous materials spills is not an eligible activity according to the guidelines.

### Feasibility

The second part of the nomination screening process will focus on the feasibility of projects, including the availability of the required matching funds. Applications must provide sufficient detail to determine if the following conditions are met.

#### *Matching funds:*

- Sources of 20 percent matching funds are clearly identified and funds are available now *OR* funds will be available at the time of implementation.
- Any in-kind services must be identified at the time of the submission of the application.

#### *Timeline:*

- Project timeline is feasible and project can be completed within the required three-year time limit for project implementation.

#### *If land acquisition is required to implement the project:*

- Applicant provides a letter from the land owner indicating the willingness to sell the property at fair market value, to donate the property or to lease the land for no less than 10 years for public use.

#### *If a historic site or building is part of the project:*

- Applicant provides evidence that the property or building is on or eligible to be listed in the National Historic Register, and the applicant provides the required certification from the Texas Historic Commission concerning the historic value of the property or building.

#### *Public Support:*

- Applicant provides strong evidence of public support, including letters of support, for the development of the project.

Representative Sumrall asked Mr. Blake Fry, Grants Coordinator questions regarding hike and bike trails adjacent to highways.

Mr. Fry responded that all the criteria comes from the federal and state guidelines. He added there are some hike and bike trails that are reimbursable under this program; however, criteria has to be met and there are some restrictions. He mentioned the River Park Project, as one example, that might qualify.

Representative Sumrall stated she would meet with Mr. Fry for further clarification.

Motion made by Representative Sumrall, seconded by Representative Hernandez and unanimously carried to approve the above Resolution.

.....  
\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for HEALTH

Add	.43	Public Health Dentist
Add	.17	Public Health Dentist
Add	1.0	Dental Assistant

.....

\*Motion made, seconded and unanimously carried to approve installation, power, and maintenance residential street light(s) at the following location(s):

- |           |  |                 |
|-----------|--|-----------------|
| <b>A.</b> | Between 7600 Mt. Latona & 4803 Apollo  | Cost \$ 899.00  |
| <b>B.</b> | Between 4815 Apollo Ave. and empty lot | Cost \$1,398.00 |
| <b>C.</b> | SW corner of Jefferson and Raynor      | Cost \$ 464.00  |

Public Works proposes to appropriate \$1,778,400 to fund the Keystone Heritage Park Project. Funding source is 80% TxDot and 20% Private Grant Funds.

Increase	\$355,680	to	255001/PW0045/106002	Local Grant Proceeds
Increase	\$1,422,720	to	255002/PW0045/106001	State Grant Proceeds
Increase	\$1,422,720	to	255002/PW0045/208000	Land
Increase	\$11,280	to	255001/PW0045/208000	Land
Increase	\$15,000	to	255001/PW0045/208016	A/E
Increase	\$309,400	to	255001/PW0045/208021	Admin
Increase	\$1,000	to	255001/PW0045/208024	Testing
Increase	\$15,000	to	255001/PW0045/208027	Construction
Increase	\$4,000	to	255001/PW0045/208052	Environmental

Captain Mike Gill, El Paso Police Department, stated a presentation by the Texas Police Corps would be made this morning.

Representative Hernandez asked who is funding this project.

Representative Sariñana asked if this was a four-year program.

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must serve as a patrol officer for a minimum of four years and cannot switch to another part of the agency, for example, SWAT.

Representative Hernandez asked Mr. Garney if this program would take the place of PAR or the Gang Task Force, for example.

Mr. Garney responded these officers would be placed where the law enforcement agency sees fit. He stated, for example, if five of the graduates come to El Paso Police Department, they will be assigned as needed, as long as it's considered to be an area of great need and they stay as a patrol officer in that area.

Representative Sariñana asked about the \$10,000.00 and where does the salary for those officers come from.

Mr. Garney explained that when the students graduate and pass through the training and become certified as a law enforcement officer, then they come to work for our agency and our agency will receive \$10,000.00 for each of those officers the City employs for four years. Regarding the salary question, Mr. Garney stated the salary would come from the standing budget, where the City would fill a position anyway. This program would provide a college trained individual and \$10,000.00. Mr. Garney referred Council Members to the Reader's Digest article provided in the packet, this article is entitled "A New Breed of Cop".

Representative Sumrall asked Mr. Garney what would motivate an individual, out of college, to go through the Texas A&M training program. She asked if the Police Department has recommended this program.

Mr. Garney responded they would be motivated with a \$30,000.00 scholarship. During their college years the student is helping to pay \$7500.00 a year and the student receives a training stipend while they are at the training program.

Captain Gill clarified once a student graduates from the Texas A&M program and the officer comes to El Paso as an applicant, the Police Department screens them and the student would then go through an abbreviated academy. Regarding the recommendation question presented by Representative Sumrall, Captain Gill stated the department is in the process of meeting with individuals who will present their material to the Police Department.

Representative Medina stated this program is similar to the ROTC programs. He made additional comments.

Representative Ortega asked the Police Department to make a recommendation first and then come back before Council Members.

Captain Gill responded.

Representative Cook commented on the PowerPoint presentation. He suggested Council Members go to Executive Session and have the presentation made afterward.

After Executive Session, Council Members heard the presentation made by Bob Burns, Juvenile Justice Liaison Officer at Prairie View A&M University.

.....

Motion made, seconded and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

Discussion and action on the following:

- A. MGT of America, Inc., 00-C-267
- B. Claudia Cano, 00-C-140
- C. Karin Black, 00-C-280
- D. Mary Montelongo and Michael DeHaro, 99-C-072
- E. Victor Fematt, 00-C-177
- F. Maria Huerta, et al vs. Officer Dirk Hiltl, et al, Cause No. EP00CA0375
- G. City of El Paso vs. Hernan Cenicerros, Cause No. 2000-535, CCL #7
- H. City of El Paso v. El Paso County Water Improvement District No. 1, 2001-014
- I. Isaac et al, vs. The City of El Paso, Cause No. 99-865

Motion made, seconded and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

.....  
Motion made by Representative Medina, seconded by Representative Cook and carried that claim entitled **MGT OF AMERICA, INC.; Our File No. 00-C-267** be **SETTLED** as recommended by the City Attorney.

.....  
Motion made by Representative Medina, seconded by Representative Cook and carried that the claim entitled **CLAUDIA CANO; Our File No. 00-C-140** be **DENIED** as recommended by the City Attorney.

.....  
Motion made by Representative Medina, seconded by Representative Cook and carried that the claim entitled **KARIN BLACK; Our File No. 00-C-280** be **DENIED** as recommended by the City Attorney.

.....  
Motion made by Representative Medina, seconded by Representative Cook and carried that the claim entitled **MARY MONTELONGO AND MICHAEL DEHARO; Our File No. 99-C-072** be **DENIED** as recommended by the City Attorney.

.....  
Motion made by Representative Medina, seconded by Representative Cook and carried that the claim entitled **VICTOR FEMATT; Our File No. 00-C-177** be **DENIED** as recommended by the City Attorney.

.....  
Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney's Office be authorized to **MAKE PROCEDURAL DECISIONS AND MOTIONS AS NECESSARY** in the case entitled **MARIA HUERTA, et al vs. OFFICER DIRK HILTL, et al; Cause No. EP-00-CA-0375-DB; Our File No. 00-S-52.**

.....  
Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney's Office be authorized to **HIRE A CONSULTANT** in the case entitled **MARIA HUERTA, et al vs. OFFICER DIRK HILTL, et al; Cause No. EP-00-CA-0375-DB; Our File No. 00-S-52.**  
.....

Motion made by Representative Medina, seconded by Representative Cook and carried that, in the suit of eminent domain titled, **THE CITY OF EL PASO vs. HERNAN CENICEROS; Cause No. 2000-535**, the City Attorney is given approval to hire an expert witness as recommended by the City Attorney.

Motion made by Representative Medina, seconded by Representative Cook and carried that City Council ratifies the filing of the lawsuit entitled **City of El Paso v. El Paso County Water Improvement District No. 1 v. The City of El Paso and United States of America, Cause No. 2001-014** on January 3, 2001 by the attorneys for the Public Service Board and the City Council further authorizes the lawyer for the PSB to prosecute the lawsuit on behalf of the City of El Paso and defend the City against all counter-claims and third party claims in said lawsuit and instructs the lawyers to seek mediation of the matter as soon as possible.

Representative Sariñana stated for the record, he supports the mediation; however, he does not support the ratification. Representative Sariñana voted Nay.

Motion passed 7-1.

Motion made by Representative Medina, seconded by Representative Cook and carried that City Council ratifies the filing of the third party petition in the lawsuit entitled **Dr. George M. Isaac, et al. vs. City of El Paso, Cause No. 99-865, Our File No. 99-S-21** by the City Attorney's Office and the City Council further authorizes the lawyer for the PSB or the City Attorney's Office to prosecute the lawsuit on behalf of the City of El Paso and defend the City against all counter-claims and third party claims in said lawsuit.


Motion made by Representative Escobar, seconded by Representative Medina and unanimously carried to adjourn this meeting at 12:50 p.m.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Carole Hunter

Carole Hunter, City Clerk



Charles McNabb, City Attorney

